

COUNCIL MINUTES

April 19, 1999

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 19, 1999 at 5:21 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Wayne Balmer
Cindy Barris
Neal Beets
Denise Bleyle
Jamie Brennen
Candace Cannistraro
Mark Coon
Luigi Digirolamo
Jack Friedline
John Geier
Joe Holmwood
Mike Hutchinson
Barbara Jones
Wayne Korinek
Keith Nath
Ellen Pence
Bryan Raines
Andrea Rasizer
Tom Remes
Becky Richardson

STAFF PRESENT (CONT.)

Sharon Seekins
Jenny Sheppard
John Smoyer
Jan Strauss
Walter Switzer
Doug Tessendorf
Michael Whalen
Mindy White
Paul Wilson
Mark Woodward
Others

OTHERS PRESENT

David Finley
Joanie Flatt
Carol Owens
Robbie Sherwood
Ray Stern
Others

1. Review items on the agenda for the April 19, 1999 Regular Council Meeting.

All of the items on the agenda were reviewed among Council and staff with no formal action taken. There was specific discussion relative to the following items:

(Items were discussed out of order but for purposes of clarity will remain as listed on the agenda.)

1. Approval of minutes of previous meetings as written.

Vice Mayor Giles requested a revision to the minutes of the Study Session held on March 15, 1999 where he participated by telephone conferencing.

City Clerk Barbara Jones stated that the minutes will be amended.

4. Consider the following liquor license applications.
 - b. H. J. LEWKOWITZ, AGENT

New restaurant license for Ruby Tuesday, 6555 East Southern Avenue, #1542. This is a new business; no previous liquor licenses at this location.

City Manager Charles Luster advised that the City has received a letter of protest concerning this application and that the individual filing the protest may be present to speak at the Regular Council Meeting.

6. Introduction of the following ordinances and setting May 3, 1999 as the date for the public hearing on these ordinances.
 - b. Amending Section 11-2-2 of the Mesa City Code for Rezoning Case No. CZ99-001TC from TCR-2 and TCB-1 to TCB-2 for an area generally bounded by South Morris, West 3rd Avenue, South Lebaron, and West 2nd Avenue, and adopting an official supplementary zoning map, and providing penalties for the violation thereof.

Councilmember Hawker indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Mayor Brown stated that this item will remain off the consent agenda.

- *e. **Z99-25** The 1200 and 1300 blocks of North Ellsworth Road (east side). Rezone from R1-7 and R1-43 to R1-9-PAD (9+/- acres). This case involves the development of a single-residence subdivision.

Community Development Manager Wayne Balmer reported that this issue relates to Item 10b on the agenda for the Regular Council Meeting. Mr. Balmer stated that this property was recently annexed by the City and that pursuant to State law, comparable City zoning must be established. Mr. Balmer said that in the meantime, the owner has requested a rezoning of the property. Mr. Balmer explained that Item 10b will establish the City zoning and that Item 6e is the introduction of the ordinance requesting rezoning.

Mr. Balmer advised that the City has received a request from citizen Carol Owens to address Council regarding the proposed development and open space/utilization of natural vegetation. Mr. Balmer stated that Patrick Hendley, Vice President of Homes by Judi, met recently with Ms. Owens and has agreed to various stipulations in an effort to satisfy Ms. Owens' concerns.

Councilmember Jaffa suggested that Item 10b be removed from the consent agenda to allow an opportunity for further discussion.

Mayor Brown stated that Item 10b will be removed from the consent agenda.

7. Consider the following resolutions.
 - *a. Authorizing the City Manager to execute an intergovernmental agreement with the Town of Gilbert and the Rio Salado Crossing Multipurpose Facilities District relating to payment of election costs and indemnification for other potential liabilities.

and

- *b. Authorizing the City Manager to execute an intergovernmental agreement with the Town of Queen Creek and the Rio Salado Crossing Multipurpose Facilities District relating to payment of election costs and indemnification for other potential liabilities.

Councilmember Hawker referred to the publicity pamphlet for the May 18, 1999 Special Election and noted that the argument presented by Mark Schnepf, Mayor of Queen Creek, indicates that the Rio Salado Crossing plan includes \$1 million for an associated community project in Queen Creek. In response to questions from Councilmember Hawker, Assistant City Manager Mike Hutchinson reported that informal discussions have occurred with the Towns of Gilbert and Queen Creek concerning the potential contribution of funds for recreational purposes. Mr. Hutchinson stated that no formal commitment has been established at this time.

Councilmember Jaffa suggested that these items be removed from the consent agenda to provide clarification of materials contained in the publicity pamphlet. City Attorney Neal Beets advised that the resolutions before Council pertain only to payment of election costs and indemnification for other potential liabilities. Mr. Beets added that the resolutions were drafted at the direction of the Town of Gilbert.

Mayor Brown stated that these items will remain on the consent agenda.

- d. Authorizing the City Manager to execute an agreement between the U.S. Bureau of Reclamation, State of Arizona Department of Transportation, Maricopa County, and the Cities of Peoria, Phoenix, Scottsdale, and Mesa to study the feasibility of constructing a multiuse trail along the CAP Canal.

Mayor Brown said that this item will remain off the consent agenda to allow an opportunity to explain the anticipated study and to commend the individual(s) responsible for the proposal.

2. Acknowledge receipt of minutes of various boards and committees.

- a. Adjustment Board Meeting held April 6, 1999.

It was moved by Vice Mayor Giles, seconded by Councilmember Hawker, to acknowledge receipt of the minutes of the Adjustment Board meeting held April 6, 1999.

Carried unanimously.

3. Hear reports on meetings and/or conferences attended.

Councilmember Hawker reported on an meeting of the Maricopa Association of Governments (MAG) Aviation System and a meeting of the Regional Public Transportation Authority (RPTA) he recently attended.

4. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Wednesday, April 21, 1999, 3:30 p.m. - General Development Committee Meeting

Thursday, April 22, 1999, 7:30 a.m. - Study Session

Thursday, April 29, 1999, 7:30 a.m. - Study Session (followed by a Transportation Committee Meeting)

Tuesday, May 4, 1999, 7:00 a.m. - Budget Session

Wednesday, May 5, 1999, 7:00 a.m. - Budget Session
Wednesday, May 5, 1999, 10:00 a.m. - Finance Committee Meeting

Thursday, May 6, 1999, 7:00 a.m. - Budget Session

Friday, May 7, 1999, 7:00 a.m. - Budget Session

Monday, May 10, 1999, 7:00 a.m. - Budget Session

Thursday, May 13, 1999, 7:30 a.m. - Study Session (followed by a Utility Committee Meeting)

Assistant to the City Manager Bryan Raines introduced Candace Cannistraro, a new management intern for the City.

Mayor Brown welcomed Ms. Cannistraro.

Dr. David Finley, representing Webster Elementary School, advised that his school has participated in the Parks and Recreation Arbor Day program for the past five years. Dr. Finley commented that the program is of benefit to the many at-risk youth served by Webster Elementary. Dr. Finley stated that the winner of this year's Arbor Day drawing contest is Alison Porter. Dr. Finley read a letter from Alison and presented t-shirts to Council bearing Alison's drawing.

Mayor Brown congratulated Alison for her work.

5. Prescheduled public opinion appearances (maximum of three speakers for three minutes per speaker).

There were no prescheduled public opinion appearances.

6. Adjournment.

Without objection, the Study Session adjourned at 5:47 p.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 19th day of April, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1999

BARBARA JONES, CITY CLERK